

FILED

AUG 16 2018

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDCG  
BY 145 SEP 6 2018

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:18-cr-327-Bo

UNITED STATES OF AMERICA )

v. )

MERIOUS JEAN )

I N F O R M A T I O N

The United States Attorney charges that:

General Allegations

At all times relevant to this Information:

1. The Immigration and Nationality Act (INA) governs the immigration laws of the United States.

2. The term "alien" means any person not a citizen or national of the United States.

3. Pursuant to the INA, aliens are not permitted to permanently reside in the United States unless they are lawful permanent residents.

4. The defendant, MERIOUS JEAN, was an alien born in Bellevue Bassin Blue, Laplante, Haiti.

5. On January 12, 1989, the defendant, MERIOUS JEAN, was granted lawful permanent resident status in the United States pursuant to the INA.

6. Since January 12, 1989, the defendant, MERIOUS JEAN, has neither applied for United States citizenship, been naturalized as a United States citizen, nor has met the criteria for derivative citizenship.

7. On September 31, 2012, the defendant, MERIOUS JEAN, registered to vote in North Carolina and attested under the penalty of perjury that he was a citizen of the United States.

8. The defendant, MERIOUS JEAN, was assigned a polling place located in Wilson County, North Carolina.

9. The statute of limitations for false claim of citizenship with the intent to vote is five years.

10. The defendant, MERIOUS JEAN, voted in the General Elections of 2012 and 2016 in Wilson County, North Carolina.

11. Wilson County is located in the Eastern District of North Carolina.

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COUNT ONE

On or about November 8, 2016, in the Eastern District of North Carolina, the defendant, MERIOUS JEAN, an alien, knowing he was not a United States citizen, did knowingly vote in an election held in part for the purpose of electing a candidate for the office of President, Vice President, and Member of the House of Representatives, in violation of Title 18, United States Code, Section 611(a).

ROBERT J. HIGDON, JR.  
United States Attorney

Sebastian Kielmanovich  
BY: SEBASTIAN KIELMANOVICH  
Assistant United States Attorney

8-15-2018  
DATE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

BACKGROUND

1. I, Jahaira Torrens (hereinafter "your affiant"), am a Special Agent (S/A) of the Department of Homeland Security (DHS), under Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), formerly known as the Immigration and Naturalization Service (INS). Previous to my appointment as an ICE-HSI S/A, I was a Detective with the Puerto Rico Police Department for approximately fifteen years. As part of my duties I conducted investigations related to controlled substances trafficking, identity theft, public corruption, violent crimes, and other violations. I have been a S/A with the federal government for approximately nine years. I am currently assigned to the ICE-HSI Resident Agent in Charge, Raleigh, North Carolina Field Office (ICE-HSI RAC/RA). I have training and experience in the application for and service of arrest and search warrants. My duties routinely include the investigation of violations of Titles 8, 18, 19, 21, and 31 of the United States Code.

2. This affidavit is made in support of a criminal information against Merious Jean (hereinafter "JEAN") for voting by alien, in violation of Title 18, United States Code, Section 611(a).

3. This affidavit is submitted for the limited purpose of establishing probable cause that JEAN committed the offense of voting by alien, in violation of Title 18, United States Code, Section 611(a). For this reason, your affiant has not included details of every aspect of this investigation, rather only such information as necessary. Your affiant is thoroughly familiar with the information contained in this affidavit, either through personal investigation or discussions with other law enforcement officers who have interviewed individuals or personally have obtained information which they in turn have reported to your affiant.

**PROBABLE CAUSE**

4. Government databases reflect the following information relative to JEAN:

a. JEAN is an alien born in Bellevue Bassin Blue, Laplante, Haiti.

b. On January 12, 1989, JEAN was granted lawful permanent resident status in the United States.

c. Since January 12, 1989, JEAN has neither applied for United States citizenship, been naturalized as a United States citizen, nor has met the criteria for derivative citizenship.

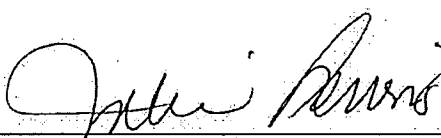
d. On September 31, 2012, JEAN registered to vote in North Carolina and attested under the penalty of perjury that he was a citizen of the United States.

e. JEAN was assigned a polling place located in Wilson County, North Carolina.

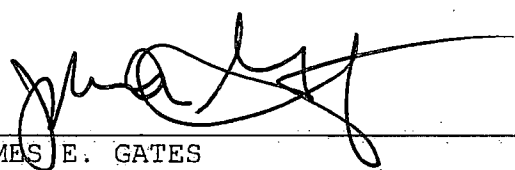
f. JEAN voted in the General Elections of 2012 and 2016 in Wilson County, North Carolina.

CONCLUSION

5. Based on the foregoing, I, Jahaira Torrens, believe that there is ample probable cause to conclude that Merious Jean was not a citizen of the United States at the time he voted and is thus guilty of voting by alien, in violation of Title 18, United States Code, Section 611(a). Your affiant respectfully asks that the Court issue a warrant ordering his arrest for such crime.

  
\_\_\_\_\_  
Jahaira Torrens  
Special Agent  
Homeland Security Investigations

On this 16 day of August 2018, Special Agent Jahaira Torrens appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Affidavit.

  
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JAMES E. GATES  
United States Magistrate Judge  
Eastern District of North Carolina